EXHIBIT A

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

CASE NO. 2:24-CV-00093-JRG-RSP

_____

VIRTAMOVE, CORP.,

Plaintiff,

vs.

HEWLETT PACKARD ENTERPRISE COMPANY,

Defendant.

_____

CASE NO. 2:24-CV-00064-JRG-RSP

VIRTAMOVE, CORP.,

Plaintiff,

vs.

INTERNATIONAL BUSINESS MACHINES CORP.,

Defendant.

_____

VIDEOTAPED / REALTIMED DEPOSITION OF

DR. ANGELOS STAVROU

(Conducted Remotely)

FRIDAY, FEBRUARY 7, 2025

9:03 a.m. CST

_____

Reported by: Pat English-Arredondo, CSR, RMR, CRR

Job No. 10232

Page 2

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 2              (All appearing remotely)

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22           Pat English-Arredondo
             CSR(TX), RMR, CRR, CLR
23

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1   Q.   Okay. Did you meet with anyone else in

2   preparation for today's deposition?

3   A.   Not beyond the lawyers from Kirkland &

4   Ellis and Baker Botts.

5   Q.   Okay. And approximately how long did you

6   spend preparing for today's deposition?

7   A.   I was here the past few -- past two days.

8   We didn't work the entire day. And, you know, I

9   would say two days but, you know, not the entire

10 time. Let's put it this way.

11   Q.   Okay. And how long did you spend in

12 forming your opinions set forth in your declarations

13 in these proceedings?

14   A.   Oh, we spent months because this -- I

15 think -- I believe this started sometimes middle of

16 last year where I got involved in reading the

17 patents and going through the claims and the

18 specification of the patents.

19   So I would say it's been a few months

20 now.

21   Q.   Okay. Do you have an estimate of how

22 many hours you've spent over those few months?

23   A.   I would not be precise, but I spent some

24 time on each of the patents. So I cannot give you

25 an exact estimate. I would have to look at my

Page 9

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 1   records, and I don't have them in front of me.

 2        Q.    Okay.  Understood.

 3              So if we could look at your declaration

 4   regarding the IBM counterclaim patents.  And this is

 5   Exhibit 1.

 6        A.    Yes.

 7        Q.    And turning to Page 20, which is the

 8   first claim term, which is (as read):  "A system ...

 9   created during installation ... removed as part of

10   an uninstall."

11              Do you see that?

12        A.    Just give me a second.  I'm trying to

13   navigate there.  Yes.

14        Q.    Okay.  And then going to Paragraph 49 on

15   Page 21, you state in that paragraph that (as read):

16   "The claim language itself provides clarity to a

17   POSITA indicating that 'the one or more isolated

18   environments are created during installation of the

19   one or more applications' and that, 'the one or more

20   isolated environments are copied to storage and then

21   removed as part of an uninstall of the one or more

22   applications.'"

23              Do you see that?

24        A.    Yes, that's correct.

25        Q.    Okay.  So you agree that in order to
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Page 10

1   practice this limitation, the one or more isolated

2   environments must be created during installation of

3   the one or more applications.   Correct?

4   MR. NGEREBARA: Objection, form.

5   A.   Can you please repeat the question just

6   to make sure that I have it correctly?

7   Q.   (By Mr. Milkey)   Yeah.   So in order to

8   practice the limitation that you're discussing in

9   this section of your report starting on

10   Paragraph 46, you agree that the one or more

11   isolated environments must be created during

12   installation of the one or more applications.

13   Correct?

14   MR. NGEREBARA: Objection, form.

15   A.   That is correct.

16   Q.   (By Mr. Milkey)   Then turning to Page 24

17   of your declaration, Exhibit 1, do you see this is

18   where you address the claim term, "the system

19   resources"?

20   A.   That's correct.

21   Q.   Okay.   And so my question is -- and,

22   sorry, before I get into this, do you have a copy of

23   the '500 patent?

24   A.   I don't have one.   If you can introduce

25   the exhibit, I would be able to open it.

Page 11

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 1          Q.     Yeah, I will provide that.

 2                 And so this is introduced as Exhibit 3

 3     the, US Patent No. 8,943,500.  And, Dr. Stavrou, is

 4     it okay if we refer to this as the '500 patent?

 5          A.     Sure.

 6                 (Marked was Stavrou Exhibit No. 3.)

 7          Q.     (By Mr. Milkey)  If you could open up

 8     Exhibit 3, the '500 patent, and go to the very last

 9     page of it, there is Claim 19.  Just let me know

10     when you're there.

11          A.     50?

12          Q.     Correct?

13          A.     50?

14          Q.     Correct, yeah.  Column 14, Line 50.

15          A.     Okay.

16          Q.     And so you see in Claim 19 it refers to

17     "the system resources."

18                 And so my question is, what provides

19     antecedent basis for the term "the system resources"

20     in Claim 19?

21          A.     So as we see here, this is a dependent

22     claim and it depends on Claim 18.

23                 In Claim 18, I believe -- let me

24     check -- the word "additional resources" is included

25     as part of Claim 18, which is on the same -- on 14,
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1   I believe, 39.

2   And a person of ordinary skill in the art

3   would have understood that basically the system

4   resources that are referred to in Claim 19 are

5   connected to the additional resources that are

6   mentioned in Claim 18.

7   THE REPORTER: Excuse me, Doctor.

8   Did you say "are" or "aren't"?

9   THE WITNESS: They are. I apologize.

10 They are.

11   Q.   (By Mr. Milkey) Okay. So your opinion

12 is that these system resources of Claim 19 refers to

13 the additional resources that Claim 18 recites. Is

14 that correct?

15   A.   My opinion is that the patent recites

16 maintain mapping between the system resource and

17 out -- inside and outside the one or more isolated

18 environments in outside.

19   The system resources -- first (as read):

20 "the system resources inside the one or more

21 isolated environments and outside the -- is the

22 isolated environment," as recited in the claims.

23   So that here, to realize is that the

24 additional resources does not require an exhaustive

25 list of full system resources, other resources

Page 13

1   basically specifically mentioned by the claims,

2   which is basically explicit.

3   Also, if you want me to elucidate, I'm

4   happy to go on.   You let me know.

5   Q.   Yeah, I'm not quite sure I understand.

6   You previously testified, I thought, that the system

7   resources of Claim 19 was related to the additional

8   resources of Claim 18?

9   A.   I don't think that's correct.   What I

10 said is -- again, and I will repeat it just to be on

11 the same.

12   Resources basically -- the term "system

13 resources inside and outside the one or more

14 isolated environments" indicates to a POSITA that

15 claims contemplate any system resources that would

16 satisfy the requirements of Claims 19 and -- 18 and

17 19, rather than requiring an exhaustive list of all

18 system resources.

19   So I want to clarify here that I didn't

20 mean an exhaustive list of all system resources but

21 specifically what I just mentioned.

22   Q.   Okay. So when Claim 19 recites "the

23 system resources inside the one or more isolated

24 environments," does that mean the same thing as any

25 system resources inside the one or more isolated

Page 14

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 1   environments?

 2               MR. NGEREBARA:  Objection, form.

 3       A.    I believe that I just mentioned that we

 4   want to -- the term refers to both -- to system

 5   resources inside the one or more isolated

 6   environments and so -- and outside.

 7               So it is -- it is important to maintain a

 8   mapping between the system resource inside the one

 9   or more isolated environments and outside.

10               So here, again, the patent specifications

11   confirm my understanding that the specification

12   provides examples of system resources, memories,

13   storage, and CPUs.  CPUs that can be mapped from

14   outside to inside.

15       Q.    (By Mr. Milkey)  Okay.  But it doesn't

16   have to be all of those system resources inside and

17   outside that have to be mapped.  Correct?

18       A.    Are you referring to -- I apologize.  Can

19   you please clarify?

20               Do you refer to the system resources

21   inside or outside, so I can answer the question?

22       Q.    I'm referring to both.  So just backing

23   up a second.

24               The claim requires instructions for

25   maintaining mapping between the system resources
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 1   inside the one or more isolated environments and

 2   outside.

 3   So that we're on the same page, do you

 4   understand this to require a mapping between system

 5   resources inside the one or more isolated

 6   environments, on the one hand, and

 7   outside -- sorry -- and system resources outside the

 8   system -- let me reask that.

 9   Do you understand Claim 19 to require

10   instructions for maintaining mapping between, on the

11   one hand, system resources inside the one or more

12   isolated environments and, on the other hand, system

13   resources outside the one or more isolated

14   environments?

15   A.   I think the argument here is reversed.

16   You need to be able to map resources outside of the

17   isolated environment to resources inside the

18   isolated environment because the outside has usually

19   more resources.

20   And it's allocating -- in this case not

21   allocating but mapping these resources inside the

22   isolated environments. So here the key component is

23   that the additional resources that are mentioned in

24   Claim 18 are further elucidated in Claim 19 by

25   basically mapping between the system resources

Page 16

 1   inside the one or more isolated environment and

 2   outside.

 3   So of course here you can -- the

 4   mapping -- the mapping is reciprocal, so it doesn't

 5   matter if you talk about inside or outside.

 6   THE REPORTER: Excuse me, Doctor.

 7   You're going to have to slow down.

 8   THE WITNESS: I'm sorry about that.

 9   A.   The mapping has two elements, so it

10   doesn't matter if you recite the first element,

11   which is inside in this case, to the outside.

12   So either you sit inside

13   mapping -- it's -- in reality the mapping refers to

14   resources on two ends. So it doesn't matter if you

15   start from the inside or the outside.

16   Q.   (By Mr. Milkey) Okay. Understood.

17   A.   I just want to be very clear. It's not

18   resources on the inside necessarily that map to the

19   outside. It can also be the reverse.

20   Q.   Correct. That makes sense.

21   So my question, then, is: The claim does

22   not require, in your opinion, instructions for

23   maintaining mapping between all of the system

24   resources inside the one or more isolated

25   environments and all of the system resources outside

1   the one or more isolated environments.   Correct?

2   MR. NGEREBARA: Objection, form.

3   A.   As I read it, it does not make a

4   specification either way.

5   Q.   (By Mr. Milkey)   Okay.   In your opinion,

6   does the claim require instructions for maintaining

7   mapping between just some of the system resources

8   inside the one or more isolated environments and

9   some of the system resources outside the one or more

10   isolated environments?

11   MR. NGEREBARA: Objection, form.

12   A.   The way that I personally read it is that

13   there are resources, system resources, that are

14   being mapped.   It's a generic term.

15   Now, I don't know if it's going to be all

16   the resources inside with all the resources outside

17   or if it's going to be some of the resources inside;

18   but the claim, as it's written, it's not restrictive

19   in that sense.

20   But at the same time, again, there are

21   finite resources, system resources; and the examples

22   that I provided of system resources that include

23   memory, storage, and CPUs, are very traditional

24   system resources that are being used to create these

25   isolated environments.

Page 18

1   Now, I don't know if there are

2   potentially -- the examples are not restrictive, so

3   maybe there are other resources that also can be

4   mapped.

5   But it's -- I would have understood it in

6   the plain and ordinary meaning of the system

7   resources, which is just a straightforward term that

8   does not require any -- any further, you know,

9   elucidation.   Let's put it this way.

10   Q.   (By Mr. Milkey) Okay. So for Claim 19,

11   for the limitation of Claim 19, is that satisfied if

12   there are instructions for maintaining mapping

13   between at least some system resources inside the

14   one or more isolated environments and at least some

15   system resources outside of the one or more isolated

16   environments?

17   MR. NGEREBARA: Objection, form.

18   A.   Again, the specific claim does not

19   mention any of that in the sense that it does

20   not -- it doesn't limit itself. It can be all or it

21   can be some. I don't see a way that restricts

22   itself to -- you know, there is no qualifier here.

23   But, as I said, it's very obvious to me,

24   based on the spec, that the resources are

25   quantifiable term in our field.

Page 19

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 1                And basically the mapping -- it basically

 2    talks about mapping, which is actually -- as I said,

 3    it is tied clearly to the fact that in Claim 18

 4    there is the need of additional resources.

 5                So these resources, these additional

 6    resources are being provided by Claim 19 where, you

 7    know, it talks about a mapping between a system

 8    resources inside the one or more isolated

 9    environments and outside.

10        Q.    (By Mr. Milkey)  Okay.  And if you could

11    turn to Page 27 of Exhibit 1.

12        A.    Give me just one second.  I'm there.

13        Q.    And you see this is where you begin

14    analyzing "appropriate for infrastructure

15    configuration mapping."  Correct?

16        A.    That's correct.

17        Q.    Okay.  Okay.  And I want to turn to -- on

18    the next page in Paragraph 69, toward the bottom of

19    that paragraph you have a sentence that states (as

20    read):  "Similarly, whether there is a conflict

21    between source and cloud infrastructure is an

22    objective analysis for the POSITA."

23                Do you see that?

24        A.    Correct.

25        Q.    Okay.  How would a POSITA perform the
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Page 46

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 1
                  IN THE UNITED STATES DISTRICT COURT
 2                 FOR THE EASTERN DISTRICT OF TEXAS
                             MARSHALL DIVISION
 3
                    CASE NO.  2:24-CV-00093-JRG-RSP
 4    _____

 5    VIRTAMOVE, CORP.,

 6       Plaintiff,

 7    vs.

 8    HEWLETT PACKARD ENTERPRISE COMPANY,

 9       Defendant.

10    _____

11             CASE NO.  2:24-CV-00064-JRG-RSP

12    VirtaMove, CORP.,

13       Plaintiff,

14    vs.

15    INTERNATIONAL BUSINESS MACHINES CORP.,

16       Defendant.
      _____
17                    REPORTER'S CERTIFICATION
                 VIDEOTAPED / REALTIMED DEPOSITION OF
18                       DR.  ANGELOS STAVROU
                            FEBRUARY 7, 2025
19

20       I, Pat English-Arredondo, CSR, RMR, CRR, CLR,

21    Certified Shorthand Reporter in and for the State of

22    Texas, hereby certify to the following:

23       That the witness, DR. ANGELOS STAVROU, was duly

24    sworn by the officer and that the transcript of the

25    oral deposition is a true record of the testimony
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Page 47

1   given by the witness;

2   I further certify that pursuant to FRCP Rule

3   30(f)(1) that the signature of the deponent:

4   __X___ was requested by the deponent or a party

5   before the completion of the deposition and returned

6   within 30 days from date of receipt of the

7   transcript. If returned, the attached Changes and

8   Signature Page contains any changes and the reasons

9   therefor;

10   _____ was not requested by the deponent or a party

11   before the completion of the deposition.

12   I further certify that I am neither counsel for,

13   related to, nor employed by any of the parties or

14   attorneys in the action in which this proceeding was

15   taken, and further that I am not financially or

16   otherwise interested in the outcome of the action.

17   Certified to by me this 11th day of February,

18   2025.

19   _____
                     Pat English-Arredondo,
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